

NATURE AND OBJECT OF ACTION

The object of the above action is to foreclose a Mortgage held by the Plaintiff and recorded in Nassau County, State of New York as more particularly described in the Complaint herein

TO THE DEFENDANTS the plaintiff makes no personal claim against you in this action.

IF, AND ONLY IF, you have received or will receive a Bankruptcy Discharge Order which includes this debt, the plaintiff is solely attempting to enforce its mortgage lien rights in the subject real property and makes no personal claim against you. In that event, nothing contained in these or any papers served or filed or to be served or filed in this action will be an attempt to collect from you or to find you personally liable for the discharged debt.

YOU ARE HEREBY PUT ON NOTICE THAT WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CASE NO.

THE SECRETARY OF THE U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT, an
agency of the UNITED STATES OF AMERICA,

Plaintiff,

-against-

COMPLAINT

**ACTION TO FORECLOSE
A MORTGAGE**

Michael Rhodie as Successor Co-Trustee of the
Lornice Rhodie Revocable Living Trust, dated the
29th day of August 2001; Inez Rhodie aka Inez Brooks
as Successor Co-Trustee of the Lornice Rhodie
Revocable Living Trust, dated the 29th day of August
2001; James Dozier; "JOHN DOE #1-5" and "JANE
DOE #1-5", said names being fictitious, it being the
intention of plaintiff to designate any and all occupants,
tenants, persons or corporations, if any, having or claiming
an interest in or lien upon the premises being foreclosed
herein,

Defendants

The plaintiff herein, by its attorney MANFREDI LAW GROUP, PLLC, complains of the
defendants above named, for its cause of action, and alleges:

1. This court has jurisdiction under the provisions of Title 28, United States Code, Section 1345.
2. That the Plaintiff U.S. Dept. of Housing & Urban Development, Office of Counsel, has offices at 301 N.W. 6th St., Ste. 200, Oklahoma City, OK 73102-2807.
3. This action is brought on behalf of The Secretary of Housing and Urban Development (hereinafter "HUD"), an agency of the United States of America to foreclose on a Home Equity Conversion Mortgage (hereinafter "HECM") also known as a reverse mortgage, which program is regulated and set forth in 24 CFR Part 206, et seq. and all subsequent

handbooks (4330.1 REV-5), mortgagee letters, etc. as set forth by the Secretary of the Department of Housing and Urban Development.

4. The purpose of this program is set forth in 24 CFR § 206.1, as set out in “section 255(a) of the National Housing Act, Public Law 73 – 479, 48 STAT. 1246 (12 U.S.C. 1715z-20;” being further regulated by handbook 4330.01 Rev. 5 and all subsequent mortgage letters as issued and set forth by the Secretary of the Department of Housing and Urban Development.

COUNT I - MORTGAGE FORECLOSURE

5. Plaintiff reasserts and realleges Paragraphs 1- 4 as if fully set forth herein.
6. Pursuant to program requirements, Lornice Rhodie, now deceased, (hereinafter THE “NOTEMAKER”) was duly counseled regarding the United State’s Home Equity Conversion Mortgage (“HECM”) loan program prior to execution of the note and mortgage that are the subject of the within action.
7. A redacted copy of the death certificate of Lornice Rhodie is attached as Exhibit A.

THE MORTGAGE AND COLLATERAL MORTGAGE

8. On or about June 22, 2011 Lornice Rhodie as trustee of the Lornice Rhodie Living Trust, dated the 29th day of August 2001 executed and delivered to Mortgage Electronic Registration Systems Inc. (MERS) as nominee for Nationwide Equities Corp., a Fixed Rate Note (hereinafter referred to as the “Note”) and, as collateral of aforesaid Note, a Mortgage (hereinafter referred to as the “the Mortgage”) in the amount of \$480,000.00. The Mortgage was recorded in the Nassau County Clerk’s Office on 9/13/2011 in Liber Book: M 36371 Page: 631.
9. A copy of the Mortgage and Note is annexed hereto as Exhibit B.

10. The mortgaged premises is 70 Powell Street, Roosevelt, NY 11575.
11. Simultaneous with the execution of the Mortgage and Note, the Notemaker executed and delivered a fixed rate second note and collateral mortgage (hereinafter referred to as the “Collateral Mortgage and Second Note”) in favor of the Secretary of Housing and Urban Development dated 6/22/2011 and recorded on 9/13/2011 in Liber Book: M 36371 Page: 644 of the Nassau County Clerk’s Office.
12. A copy of the Collateral Mortgage and Second Note is attached as Exhibit C.
13. The above Collateral Mortgage was additional security for the reverse mortgage that is the subject of the proposed foreclosure action.

ASSIGNMENTS OF THE MORTGAGE

14. Mortgage Electronic Registration Systems Inc. (MERS) as nominee for Nationwide Equities, Corp. assigned the mortgage to the Secretary of Housing and Urban Development (“HUD”) by assignment dated 10/26/2017 and recorded on 12/20/2017 in Volume: 42575 Page: 970 Instrument No.: 2017-128452.
15. A copy of the assignment to the Plaintiff HUD is attached as Exhibit D.
16. Plaintiff is the owner and holder of the Mortgage and Note and has the authority to institute this mortgage foreclosure action as the owner and holder of the subject Mortgage and Note; and there have been no prior proceedings, at law or otherwise, to collect or enforce the Note and Mortgage.

THE NOTEMAKER’S DEFAULT

17. Pursuant to paragraph ¶6(a) of the Note, titled: IMMEDIATE PAYMENT-IN-FULL the Plaintiff may require immediate payment in full of principal and accrued interest upon the

event of death of the Borrower / Notemaker and the mortgaged premises is not the principal residence of a surviving borrower. ¶6(a) Exhibit B.

18. The Notemaker died on 8/5/2018. Exhibit A.

19. The mortgaged premises is abandoned.

20. A copy of an affidavit of property inspection conducted on May 4, 2021 is attached as Exhibit E.

21. By reason of the event of default, the Plaintiff elected and hereby elects to declare the entire sum under the Note to be due and payable. ¶6(a) Note, Exhibit B.

22. The death of Lornice Rhodie along with the property abandonment is the event of default and triggered the right to foreclose on the mortgaged premises and payment of all outstanding amounts due on the Note by virtue of a judgment of foreclosure and sale. ¶20 Mortgage, Exhibit B.

23. There is now justly due and payable to the Plaintiff, as of June 3, 2021 together with interest on the principal and all advances, if any, on the Note the following sums:

Principal: \$220,826.17

Accrued Interest through June 3, 2021: \$148,318.62 (additional interest accruing at a rate of \$62.78 per day)

Mortgage Insurance Premium: \$43,013.19

24. Upon information and belief, Plaintiff may be compelled to make additional advances for payment of taxes, hazard insurance, water and sewer charges, or other municipal assessments maintenance, in order that it may protect and preserve security, but the nature and amount thereof is unknown to Plaintiff at this time. Nevertheless, Plaintiff seeks recovery thereof and therefore, together with interest thereon.

25. The Plaintiff shall not be deemed to have waived, altered, released or changed its election herein by reason of any payment after the commencement of this action of any or all of the defaults mentioned herein and such election shall continue to be effective.

26. No other action or proceeding has been brought at law or otherwise for the recovery of said sums secured by the Notes and Mortgages or any part thereof.

THE DEFENDANTS

27. The Notemaker Lornice Rhodie died on 8/5/2018.

28. Michael Rhodie, son of Lornice Rhodie, of 276 W. Jamaica Ave, Valley Stream, NY 11580 as the Successor Co-Trustee of the Lornice Rhodie Revocable Living Trust, dated the 29th day of August 2001 is included as a Defendant as the record owner(s) and original obligor under the Note secured by the Mortgage recorded on 09/13/2011 in Liber Book M 36371 page 631 as assigned in Volume 42575 page 970, Instrument No. 2017-128452, as Successor Co-Trustee of the Lornice Rhodie Living Trust, dated the 29th day of August 2001.

29. Inez Rhodie aka Inez Brooks, daughter of Lornice Rhodie, of 155 Greenwich Street, Apt E4-17, Hempstead, NY 11550, as the Successor Co-Trustee of the Lornice Rhodie Revocable Living Trust, dated the 29th day of August 2001 is a defendant as the record owner(s) and original obligor under the Note secured by the Mortgage recorded on 09/13/2011 in Liber Book M 36371 page 631 as assigned in Volume 42575 page 970, Instrument No. 2017-128452, as Successor Co-Trustee of the Lornice Rhodie Living Trust, dated the 29th day of August 2001.

30. James Dozier, surviving spouse of Lornice Rhodie, of 12724 Sandpebble Cir, Apt 21, Newport News, VA 23606 is a defendant as the original obligor under the Note secured by

the Mortgage recorded on 09/13/2011 in Liber Book M 36371 page 631 as assigned in Volume 42575 page 970, Instrument No. 2017-128452.

31. The true names of the defendants “JOHN DOE #1-5” and “JANE DOE #1-5” are unknown to the United States, those names being fictitious, but intending to designate tenants, occupants or other persons, if any, having or claiming any estate or interest in possession upon the mortgaged premises or any portion thereof.
32. The “Mortgaged Premises” situated in the County of Nassau to be foreclosed herein is described herein as Schedule “A”:

Premises: 70 Powell Street, Roosevelt, NY 11575
Section: 55 Block: 558 Lot: 4

33. The Plaintiff is exempt from complying with the 90 day notice provisions of RPAPL §§ 1304 and 1306 because the mortgagor is deceased and is not a principal residence.
34. That the mortgaged premises is, upon information and belief based on inspection, abandoned.
35. That the Certificate of Merit pursuant to CPLR 3012-b is annexed hereto and made a part hereof.
36. The Plaintiff is not seeking a deficiency judgment.
37. The Plaintiff is not seeking attorneys’ fees in this foreclosure lawsuit.
38. The Plaintiff is seeking a judgment of foreclosure and sale only.

WHEREFORE, Plaintiff demands judgment:

- (a) That the defendants, or either or any of them, subsequent to the filing of the Notice of Pendency of this action, and every person whose conveyance or encumbrance is

subsequent or subsequently recorded, be forever barred and foreclosed of all right, claim, lien, interest or equity of redemption in the mortgaged premises;

- (b) that the mortgaged premises 70 Powell Street, Roosevelt, NY 11575 as shown in annexed Schedule A may be decreed to be sold as provided by New York Real Property Actions and Proceedings Law;
- (c) That the priority of liens against the real property be determined by the Court, and the proceeds of the sale of said property, after proper court costs, be distributed among the owners and holders of liens against said property in the order of priority thereof as determined by the Court; and
- (d) That the total amount due to the Plaintiff on the NOTE and MORTGAGES as described herein be adjudged;
- (e) That the Plaintiff may be paid the amount adjudged to be due to the Plaintiff with interest thereon to the time of such payment, together with the costs and expenses of this action and the expenses of the sale, so far as the amount of such money properly applicable thereto will pay the same; and
- (f) That the Plaintiff may have such other and further relief which as to this Court may seem just, reasonable and proper.

Dated: June 3, 2021

/s/ John Manfredi
John Manfredi, Esq.
Manfredi Law Group, PLLC,
Attorney for Plaintiff,
302 East 19th Street, Suite 2A
New York, New York 10003
Telephone No. (347) 614-7006

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CASE NO.

THE SECRETARY OF THE U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT, an
agency of the UNITED STATES OF AMERICA,

Plaintiff,

-against-

Mortgaged Premises:
70 Powell Street, Roosevelt, NY 11575

Michael Rhodie as Successor Co-Trustee of the
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29th day of August 2001; Inez Rhodie aka Inez Brooks
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DOE #1-5", said names being fictitious, it being the
intention of plaintiff to designate any and all occupants,
tenants, persons or corporations, if any, having or claiming
an interest in or lien upon the premises being foreclosed
herein,

Defendants

CERTIFICATE OF MERIT PURSUANT TO CPLR 3012-B

John Manfredi, Esq., pursuant to CPLR § 2106 and under the penalties of perjury, affirms as
follows:

1. I am the attorney of record for plaintiff in the above-captioned mortgage foreclosure
action. As such, I am fully aware of the underlying action, as well as the proceedings
had herein.
2. I have reviewed the facts of this case and communicated with Mikel Anderson, chief
counsel of the plaintiff concerning the subject of this action.
3. Based upon my communication with the plaintiff and my review of the pertinent
documents, including the mortgage, security agreement and note or bond underlying

the mortgage executed by the defendants and all instruments of assignment, if any, and any other instrument of indebtedness including any modification, extension, and/or consolidation, and to the best of my knowledge, information and belief, there is a reasonable basis for the commencement of this action and that Plaintiff is currently the creditor entitled to enforce rights under such documents.

4. I further certify that to the best of my knowledge, information and belief, formed after reasonable inquiry regarding the present action, the presentation of the pleadings or the contentions contained herein is true and correct.

Dated: June 3, 2021

/s/ John Manfredi
John Manfredi, Esq.
Manfredi Law Group, PLLC,
Attorney for Plaintiff,
302 East 19th Street, Suite 2A
New York, New York 10003
Telephone No. (347) 614-7006

SCHEDULE A
DESCRIPTION OF MORTGAGED PREMISES

All that certain plot, piece or parcel of land, situate, lying and being at Roosevelt, in the Town of Hempstead, County of Nassau and State of New York, known and designated as and by the lot numbered 4, in Block 558, on a certain map entitled, "Map of Vanderveer Homes, situated at Roosevelt, Nassau County, New York, surveyed September 1957 by Baldwin & Cornelius Co., Civil Engineers and Surveyors" and filed in the Nassau County Clerk's Office on July 24, 1958, as Map No. 7060, which said lot is more particularly bounded and described according to said map as follows:

BEGINNING at a point on the Easterly side of Powell Street, distant 300.50 feet southerly from the extreme Southerly end of the arc of a curve connecting the Easterly side of Powell Street with the Southerly side of Pleasant Avenue;

RUNNING THENCE north 84 degrees 43 minutes East 83.27 feet;

RUNNING THENCE south 5 degrees 26 minutes 40 seconds East, 74 feet;

RUNNING THENCE south 84 degrees 43 minutes West 83.48 feet to the easterly side of Powell Street; and

RUNNING THENCE north 5 degrees 17 minutes West along the Easterly side of Powell Street, 74 feet to the point or place of BEGINNING.

Premises: 70 Powell Street, Roosevelt, NY 11575
Tax Parcel ID No.: Section: 55 Block: 558 Lot: 4